

port; yet it has rarely occurred, that the court has broken in upon the capital of even his personal estate for the mere purpose of maintenance, though it has frequently done so for his education and putting him out in life. (z)

(z) *Barlow v. Grant*, 1 Vern. 255; *Franklin v. Green*, 2 Vern. 137; *Harvey v. Harvey*, 2 P. Will. 21; *Davies v. Austen*, 1 Ves., jun., 248; S. C. 3 Bro. C. C. 178; *Lee v. Brown*, 4 Ves. 362; *Walker v. Wetherell*, 6 Ves. 474; *Beasley v. Magrath*, 2 Scho. & Lefr. 35; *Ex parte Darlington*, 1 Ball & Bea. 240; *Ex parte M'Key*, 1 Ball & Bea. 405; *Ex parte Green*, 1 Jac. & Walk. 253; *Hooper v. Royster*, 1 Mun. 119.

**HANSON v. CHAPMAN.**—This bill was filed on the 8th of August, 1796, by Samuel Hanson and others against Henry H. Chapman. It states, that the late Samuel Hanson, by his will, bequeathed certain legacies to the plaintiffs; and on the death of his grand-daughter Anna H. Chapman, and his daughter Eleanor Chapman, without issue, directed that his real estate should be sold for the payment of those legacies. That he appointed George Lee and Henry H. Chapman, his executors, and authorized them to make the sale; that Lee had renounced the executorship, and it was doubtful whether Chapman alone could sell and make a good title; and that the testator's grand-daughter and daughter were both dead without issue. Prayer to appoint a trustee to make the sale, &c.

Henry H. Chapman, who alone was made defendant, answered, admitted the facts, and consented to a decree as prayed. Whereupon, it was, on the 8th of October, 1796, *Decreed*, in the usual form, that Henry H. Chapman make the sale, &c. Under which decree sales were made and ratified accordingly. After which, on a considerable amount of the proceeds being brought in, they were, by the direction of the court distributed among the legatees of full age.

11th September, 1801.—**HANSON, Chancellor.**—On the petition of several of the said devisees, it is *Ordered*, that the auditor state the sums of which each of them is entitled to out of the principal money arising from the said sale; and that he state the sum which each devisee is entitled to receive of the money brought into court, charging him or her with the payments already made to him or her. Out of the said money is to be deducted the trustee's commission, hereby allowed him of £175, exclusive of all except personal expenses. And in making these statements he is to take into consideration the specific and contingent legacies given by the said Hanson's will. It is the intent of this order, that if there be money brought in sufficient, after the aforesaid deductions, to pay unto each devisee of lawful age the proportion of the principal money to him or her due, the same shall be paid. The register is hereby directed to receive any money arising from the sale to be offered by the trustee; and, with the treasurer's leave, deposit the same in the Western Shore treasury, subject to future order. And it is the intent of this order, that the said money be brought into the account to be stated.

After which the case was again brought before the court at the instance of one of the infant legatees.

29th October, 1801.—**HANSON, Chancellor.**—It is represented to the Chancellor that William Baker, one of the children of Mildred Baker, daughter of the said Hanson, and mentioned in his last will, is nearly twenty years of age, and engaged in the study of physic; and that it will be of great importance to him to receive immediately the money to which he is entitled under his grandfather's will. The Chancellor being satisfied of the truth of the said representation, and that the inte-